

**FORFEITURES****RESPONDENT(S):** GALEN COOK**ITEMS:** \$6,571.00 U.S. CURRENCY**SEARCH WARRANT(S):** VEHICLE; CELL PHONE

**CELL PHONE:** The phone contained more than 17,000 messages. Examples of some of the messages indicating distribution of illegal drugs are: "Hey g was just wondering if I could get 2 OS of meds sorry I missed you yesterday I didn't even realize it was Thursday till it was already 10:30 last night"; "Ya man, I can prolly deliver to u today man..I'll b out later on runnin errands.."; "If I can't u can come by this evebro"; "Ok sounds good man I will be around., If you have time you can come in and I will burn one"; "Hey g was just wondering if I could get another 2 os when you get a chance"; "I injured my arm this morning and it made me sleep all day...I'm just now getting up...tomorrow is good, if u need meds tonight I'll get them ready for u tho...Peace"; "Hey g was just seein if I could get another 2 os of meds when you had sometime"; " Ya, I'll hit u up soon if I am out I'll bring it by...if I can't get away u can drop by man"; "Hey g was just wondering if I could get another 2 os of meds no rush at all tomarrow would even be totally fine"; "Hye g I was wondering if I could get 5 os of meds"; "Actually could I get 6 os of meds when you had a chance no rush at all thou man"; "Hey g I was jjst wondering if I could get a qp of meds"; "Hey g I was just wondering if I could get a qp of meds if you had some free time".

**SERVICE:** PERSONAL**CRIMINAL CHARGES:** CDDD TO BE FILED**RESOLUTION:** DEFAULT; TIMELY VERIFIED RESPONSE NOT FILED

## COUNTY ATTORNEY DOCKET

DEFENDANT(S) NAME(S)

COOK, GALEN LEE

Case No: 14-404

DOB: 01/02/1974

Victoria Callender

Counsel for State

Justice of the Peace

Billings Police Department

Complaining Witness

Justice Court No.

14-12667, 14-12388

Agency No.

GREGORY R. TODD

District Court Judge

3/24/14

Date Complaint Filed

DV 14-0564

District Court Number

Defense Counsel

### CHARGES

FORFEITURE (FELONY)

ITEMS: \$6,571.00 U.S. CURRENCY

### PROCEEDINGS (Include Date, Court and Description):

04/15/14 Petition Filed - Summons Issued

04/28/14 Summons Served - Verified Answer Due 5-19-14 - File Default 5-20-14

05/20/14 Filed Entry of Default - Copies to Defendant - Order to Judge Todd

05/21/14 Order Signed by Judge Todd

06/03/14 Entry of Order Filed - Copies to Defendant - Release Evidence 7-21-14

07/22/14 Evidence Release Signed - Sent to BPD - CASE CLOSED

Victoria Callender  
Deputy Yellowstone County Attorney  
Room 701, Courthouse  
P.O. Box 35025  
Billings, MT 59107  
(406) 256-2870  
Attorney for Petitioner

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY**

STATE OF MONTANA,  
Petitioner,

vs.

\$6,571.00 U.S. CURRENCY,

GALEN COOK,  
Respondents.

CAUSE NO. DV

JUDGE

**PETITION TO INSTITUTE  
FORFEITURE PROCEEDINGS AND TO  
FORFEIT PERSONAL PROPERTY**

COMES NOW, Petitioner, State of Montana, by and through Victoria Callender, Deputy  
County Attorney, and alleges as follows:

1. This is a Civil Action for forfeiture of personal property under Title 44, Chapter 12, Part 1, Montana Code Annotated.
2. The property subject to forfeiture is \$6,571.00 U.S. CURRENCY.
3. The property is subject to forfeiture under Section 44-12-102(1) Montana Code Annotated, because it was used, or intended for use, in manufacturing or delivering dangerous drugs; or because it served as value furnished in exchange for dangerous drugs; or because it was used or intended to be used to facilitate a violation of Title 45, Chapters 9 and 10, Montana Code Annotated.
4. The property has been seized by CCSIU/EMHIDTA through the granting of a search warrant.
5. On March 17, 2014, GALEN COOK, the Respondent herein, was stopped by Officer Jordan Aguilar (BPD) after almost hitting Detective Jeff Chartier's (BPD) vehicle. During the course of that investigation six Mason jars containing marijuana were observed in the back seat of the Respondent's vehicle. The Respondent claimed to be a medical marijuana provider; this was later confirmed, however the Respondent would be in possession of a greater quantity than allowed by law.

6. Officer Brandon Ihde (BPD) arrived on scene and placed the Respondent under arrest for Driving While Under the Influence of Alcohol and/or Drugs. During the pat down of the Respondent, \$1,093.00 U.S. Currency was located on his person. The Respondent was transported to YCDF.
7. At the DUI processing center, the Respondent was advised of his rights and agreed to speak with Ihde. The Respondent admitted to using 10 grams of marijuana throughout the day. The Respondent told Ihde that he was out making deliveries for his patients, but he could not provide medical marijuana cards for any of them. The Respondent told Ihde that he had approximately one pound of marijuana in the car as well as approximately \$4000.00 U.S. Currency.
8. The Respondent's provider status was verified however he had more marijuana in the vehicle than he was allowed under the law. Detective Benjamin (CCSIU/EMHIDTA) applied for and was granted a search warrant for the Respondent's vehicle.
9. On March 19, 2014, detectives from CCSIU/EMHIDTA searched the Respondent's vehicle. During the search an iPhone containing numerous texts regarding the sale and delivery of illegal drugs was located. Some of the messages showed a male asking to buy a "qp" of marijuana. Benjamin knows this means a quarter pound of marijuana, however, a patient is only allowed to have one ounce of marijuana so delivery of four times that amount is illegal. Also located in the Respondent's vehicle was: \$726.00 U.S. Currency from the back seat in a box of marijuana; \$227.00 U.S. Currency from the driver's door; \$3540.00 U.S. Currency from the driver's door; and \$985.00 U.S. Currency from the center console.
10. The phone contained more than 17,000 messages. Examples of some of the messages indicating distribution of illegal drugs are: "Hey g was just wondering if I could get 2 OS of meds sorry I missed you yesterday I didn't even realize it was Thursday till it was already 10:30 last night"; "Ya man, I can prolly deliver to u today man..I'll b out later on runnin errands.."; "If I can't u can come by this evebro"; "Ok sounds good man I will be around., If you have time you can come in and I will burn one"; "Hey g was just wondering if I could get another 2 os when you get a chance"; "I injured my arm this morning and it made me sleep all day...I'm just now getting up...tomorrow is good, if u need meds tonight I'll get them ready for u tho...Peace"; "Hey g was just seein if I could get another 2 os of meds when you had sometime"; " Ya, I'll hit u up soon if I am out I'll bring it by...if I can't get away u can drop by man"; "Hey g was just wondering if I could get another 2 os of meds no rush at all tomorrow would even be totally fine"; "Hye g I was wondering if I could get 5 os of meds"; "Actually could I get 6 os of meds when you had a chance no rush at all thou man"; "Hey g I was jst wondering if I could get a qp of meds"; "Hey g I was just wondering if I could get a qp of meds if you had some free time".
11. Benjamin called a recurring number on some of the messages and made contact with Thomas Christensen. Christensen told Benjamin that he is a patient of the Respondent and has been for about eight months. Christensen told Benjamin that he often gets more than an ounce of marijuana at a time from the Respondent.

1 Benjamin verified that Christensen's medical marijuana card expired on April 9,  
2 2012.

3 12. Benjamin and other detectives were of the opinion that the Respondent is not  
4 following the laws of Montana as it pertains to the Montana Medical Marijuana  
5 Program and the money he possessed on his person was profit from or being used  
6 to violate the drug laws of Montana. Detectives also believe the vehicle the  
7 Respondent was using to deliver marijuana in violation of the laws of Montana  
8 should be forfeited, however, it was determined that the lien holder on the vehicle  
9 was going to move to repossess.

10 13. Detectives from CCSIU/EMHIDTA assert the money is profit from or being used  
11 in the illegal sale of drugs.

12 14. The State may seek a forfeiture of the \$6,571.00 U.S. CURRENCY, belonging to  
13 GALEN COOK.

14 15. Pursuant to Section 44-12-101, et seq., Montana Code Annotated, Petitioner is  
15 entitled to have the above-mentioned personal property forfeited and used  
16 according to these statutes.

17 THEREFORE; Petitioner respectfully requests the following:

- 18 1. That the Court issue an Order which forfeits the above-mentioned personal  
19 property to the Petitioner.  
20 2. That the Court Order the property to be used or disposed of according to the  
21 above-mentioned statutes.  
22 3. That the Court Order any further relief it deems just and proper.

23 DATED this \_\_\_\_\_ day of April 2014.

24 \_\_\_\_\_  
25 Victoria Callender  
Deputy County Attorney

1 Victoria Callender  
2 Deputy Yellowstone County Attorney  
3 Room 701, Courthouse  
4 P.O. Box 35025  
5 Billings, MT 59107  
6 (406) 256-2870  
7 Attorney for Petitioner

8 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY**

9 STATE OF MONTANA,  
10 Petitioner,

11 vs.

12 \$6,571.00 U.S. CURRENCY,

13 GALEN COOK,

Respondents.

CAUSE NO. DV

JUDGE

SUMMONS

14  
15 THE STATE OF MONTANA TO: GALEN COOK  
16 1522 Wicks Lane, Billings, MT

17 YOU ARE HEREBY SUMMONED to Answer the Petition in this action which is filed in  
18 the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file  
19 your Answer and serve a copy thereof upon the Petitioner's attorney within twenty (20) days after  
20 the service of this Summons, exclusive of the day of service; and in case of your failure to  
21 answer, Judgment will be taken against you by Default for the relief demanded in the Petition.  
22 No extension of time for filing will be granted.

23 WITNESS my hand and the seal of said Court, this \_\_\_\_ day of April 2014.

24 KRISTIE LEE BOELTER

25 Clerk of District Court

(Court Seal)

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By: \_\_\_\_\_  
Deputy Clerk

1 \* RETURN \* \* \*

2  
3 STATE OF MONTANA )

4 : ss.

5 County of Yellowstone )

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7 I HEREBY CERTIFY that I received the annexed Summons and copy of the Petition on  
8 the \_\_\_\_\_ day of \_\_\_\_\_, 2014, and personally served the same on the  
9 \_\_\_\_\_ day of \_\_\_\_\_, 2014, upon GALEN COOK by delivering to him or her  
10 and leaving with him or her personally, in the County of Yellowstone, a copy of said Summons  
11 and Petition.

12 DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

13  
14 YELLOWSTONE COUNTY SHERIFF

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16 By: \_\_\_\_\_  
17 Deputy Sheriff  
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: SS.

County of Yellowstone )

After due and diligent search and inquiry of diverse persons in sundry places, I am unable to find **GALEN COOK** for service.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

By: \_\_\_\_\_  
Deputy Sheriff

1 Victoria Callender  
2 Deputy Yellowstone County Attorney  
3 Room 701, Courthouse  
4 P.O. Box 35025  
5 Billings, MT 59107  
6 (406) 256-2870  
7 Attorney for Petitioner

8 **MONTANA THIRTEENTH JUDICIAL DISTRICT COURT YELLOWSTONE COUNTY**

9 STATE OF MONTANA,  
10 Petitioner,

11 vs.

12 \$6,571.00 U.S. CURRENCY,

13 GALEN COOK,  
14 Respondents.

CAUSE NO. DV

JUDGE

PRAECIPE

14 TO: THE SHERIFF OF YELLOWSTONE COUNTY, MIKE LINDER

15 PLEASE SERVE the attached Summons and Petition to Institute Forfeiture Proceedings  
16 upon the following by exhibiting the original Summons and leaving a copy of the Summons and  
17 Petition:

18 GALEN COOK  
19 1522 Wicks Lane  
20 Billings, MT

21 Please return the *Original Summons* and your *Return of Service* to the following:  
22 Attn: Patrick Klugman, County Attorney Office  
Room 701 Courthouse

23 DATED this \_\_\_\_ day of April 2014.

24  
25 Victoria Callender  
Deputy Yellowstone County Attorney